

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

DAVID BRIAN MORGAN,

Plaintiff,

v.

Case No. 24-CV-263-JFH-DES

JOE BIDEN, et al.,

Defendants.

OPINION AND ORDER

Plaintiff David Brian Morgan (“Plaintiff”), a pro se prisoner seeking to bring a civil action, filed a motion to proceed *in forma pauperis* (“Motion”). Dkt. No. 2. Having reviewed Plaintiff’s Motion and supporting documents, the Court finds he has sufficient funds to prepay the \$350.00 filing fee and the \$55.00 administrative fee required to commence this action. 28 U.S.C. § 1914; District Court Fee Schedule.

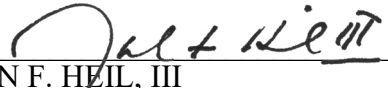
In forma pauperis status may be denied if the total balance of the prisoner’s institutional accounts exceeds the sum of the required filing fee plus \$10.00. In the event *in forma pauperis* status is denied, payment of the entire filing fee shall be required to commence the action or appeal. Failure to pay the filing fee or any other payment ordered by the Court by the date specified, to seek a timely extension within which to make the payment, or to show cause in writing for failure to pay by the date specified shall be cause for dismissal of the action without prejudice to refiling.

Local Civil Rule 3.5(b). Because Plaintiff’s Statement of Institutional Accounts [Dkt. No. 2 at 3] indicates he has \$1979.93 in his draw and savings accounts, Plaintiff’s motion to proceed *in forma pauperis* is DENIED, and he must prepay the filing fee for this action to proceed. Plaintiff is directed to submit the total of \$405.00 for filing and administrative fees within twenty (20) days, or show cause in writing by that date for his failure to do so.

IT IS HEREBY ORDERED that Plaintiff forward \$405.00 for the \$350.00 filing fee and the \$55.00 administrative fee to the Court Clerk within twenty (20) days of the entry of this Order, or show cause by that date why he does not have the assets to pay the fees. The agency having custody of Plaintiff is ordered to release funds from Plaintiff's accounts, including Plaintiff's trust account, for payment of the required fees. Plaintiff is advised that unless by the date set forth above he has either: (1) paid the full filing fee and administrative fee; or (2) shown cause in writing for his failure to pay, this action will be subject to dismissal without prejudice to refile.

IT IS FURTHER ORDERED that the Clerk of Court send a copy of this Order to the trust fund officer at Plaintiff's facility.

Dated this 13th day of August 2024.



JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE